THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1312 OF 2005

Dt: 04.08.2005

Between:

APSRTC., rep.by its Vice-Chairman &

Managing Director, Mushirabad, Hyderabad … APPELLANTS

and others

AND

J.Kishan, S/o.J.Narsaiah, R/o.7-1-10,

Mankamma Thota, Karimnagar … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1312 OF 2005

JUDGMENT: (per the Hon'ble Sri Justice P.Lakshmana Reddy)

This Writ Appeal is filed by the appellants-respondents against the Order of the learned single Judge dated 30.03.2005 in Writ Petition No.21735 of 2001.

The facts in brief are as follows:

The writ petitioner joined the service of the respondent-Corporation on 05.08.1981

and had been in service as such without any blemish; that a charge sheet was issued on 26.11.1999 framing three charges against him attributing certain acts of abuse, unauthorized entry and refusal to receive the transfer order and he was placed under suspension and thereupon an enquiry was conducted; that after issuing show-cause notice, he filed Writ petition No.10564 of 2000 and the same was dismissed by this Court directing him to submit his explanation and final orders were passed on 07.09.2000 removing him from service holding that he is guilty of the said charges and that in the appeal and the review, he could not succeed. Hence, the Writ Petition.

The learned single Judge allowed the Writ Petition on the ground that the writ petitioner was not given opportunity to cross examine the two important witnesses examined on behalf of the Corporation and remitted the matter to the Enquiry Officer with a direction to conduct fresh enquiry by permitting the writ petitioner to cross-examine the two witnesses viz., M.Harikishan and G.Madhusudhan, the Security Officer and the Chief Security Inspector respectively and also permit him to lead evidence if he wishes and finalise the same and held that it shall be open to the competent authority concerned to take action on merits in accordance with law after giving due notice and sufficient opportunity to the writ petitioner as per the Regulations. Aggrieved by the same, the Corporation has filed this Writ Appeal.

Learned counsel for the appellant-Corporation contended that the writ petitioner did not make any request to the Enquiry Officer to permit him to cross-examine the witnesses and therefore, the Enquiry Officer cannot be found fault with and there is no need for remittance.

Heard both the counsel.

We do not find any substance in the contention raised on behalf of the appellant-Corporation. It is not in dispute that the writ petitioner was permitted to cross examine only two witnesses. Therefore, in the interests of justice, the learned single Judge remanded the matter to the Enquiry Officer to enable the writ petitioner to lead the evidence.

We do not find any irregularity or illegality in the Order passed by the learned single Judge. However, as the workman was under suspension pending enquiry, he shall be continued under suspension pending completion of the enquiry proceedings. However, the workman is entitled for subsistence allowance pending

enquiry. The enquiry shall be completed within three months from the date of receipt of a copy of the Order.

With the above modification, the Writ Appeal is disposed of. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 04.08.2005

bsv/lvl